

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

MATTHEW GENE SHORT,

Plaintiff,

v.

Civil Action No. 2:23-cv-00413

THE FEDERAL BUREAU OF  
INVESTIGATION and THE DRUG  
ENFORCEMENT ADMINISTRATION,

Defendants.

MEMORANDUM OPINION AND ORDER

On May 26, 2023, plaintiff Matthew Gene Short, proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff's complaint (ECF No. 2) and his request to proceed in forma pauperis (ECF No. 1), both of which were previously referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission of proposed findings and recommendations ("PF&R"). Judge Tinsley filed his PF&R on March 6, 2025, to which objections were due on March 24, 2025. Plaintiff has not filed any objections.

Plaintiff's complaint alleges that, in 2005, "certain unidentified agents with the Federal Bureau of Investigation (FBI) entered his home to search for a sniper named Shawn

Lester." ECF No. 4 at 1-2; ECF No. 2 at 1. The complaint further alleges that the FBI "put [plaintiff's] girl friend on witness protection and switched her with lookalikes," id., "put recording devices in [plaintiff's] house," id., and introduced medication into plaintiff's chewing tobacco and air conditioning system to prevent him from "sleeping with the CI confidential informants," id. at 2. In his PF&R, Judge Tinsley found that plaintiff's claims "lack an arguable basis in law because the events described therein occurred nearly two decades prior to the complaint," being well beyond the two-year statute of limitations for § 1983 claims filed in West Virginia. ECF No. 4 at 3. Judge Tinsley also found that plaintiff's claims "lack an arguable basis in fact because the allegations in his complaint are not only fantastical, but are also factually unsupported and threadbare." Id. at 4.

Lacking an arguable basis in both law and fact, Judge Tinsely concluded that plaintiff's claims were "factually unsupported and frivolous," ECF No. 4 at 5, and recommended that plaintiff's application to proceed in forma pauperis be denied pursuant to 28 U.S.C. § 1915(e)(2)(B), that his complaint be dismissed as moot, and that the case be removed from the court's active docket.

The court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings and recommendations to which no objection has been addressed. See Thomas v. Arn, 474 U.S. 140 (1985); see also 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.") (emphasis added). Failure to timely file objections constitutes a waiver of de novo review and the plaintiff's right to appeal the order of the court. See 28 U.S.C. § 636(b)(1); see also United States v. De Leon-Ramirez, 925 F.3d 177, 181 (4th Cir. 2019) (parties typically may not "appeal a magistrate judge's findings that were not objected to below, as [28 U.S.C.] § 636(b) doesn't require de novo review absent objection"); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989). Objections in this case having been due on March 24, 2025, and none having been filed, and the court finding no clear error, this matter may be duly adjudicated.

Accordingly, it is ORDERED that:

1. The findings made in the magistrate judge's  
Proposed Findings and Recommendations be, and

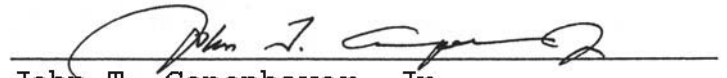
hereby are, ADOPTED by the court and  
incorporated herein;

2. The plaintiff's request to proceed in forma  
pauperis be, and hereby is, DENIED;

3. This civil action be, and hereby is, DISMISSED  
from the docket of this court.

The Clerk is directed to transmit copies of this order  
to all counsel of record, any unrepresented parties, and the  
United States Magistrate Judge.

ENTER: May 6, 2025

  
John T. Copenhaver, Jr.  
Senior United States District Judge